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5 Attorneys for Plaintiff  
6 HECTOR MALDONADO

7 UNITED STATES DISTRICT COURT  
8 NORTHERN DISTRICT OF CALIFORNIA  
9 SAN FRANCISCO DIVISION

11 HECTOR MALDONADO,  
12 Plaintiff,

13 vs.

14 MERRILL LYNCH, PIERCE, FENNER &  
15 SMITH INCORPORATED AND DOES 1-  
16 10,  
17 Defendant.

CASE NO. C-05-01644-MMC

**STIPULATION AND ~~PROPOSED~~  
ORDER CONTINUING EXPERT  
WITNESS DESIGNATION AND  
ASSOCIATED DEADLINES**

**The Honorable Maxine M. Chesney**

18 WHEREAS, the Court has set deadlines for discovery related to expert witnesses;

19 WHEREAS, Defendants contend that Plaintiff was terminated for violations of  
20 Merrill Lynch's policies governing the use of computers and electronic communications;

21 WHEREAS, on December 20, 2005 Defendants produced documents containing  
22 information about Plaintiff's Internet use derived from the hard drive of his computer while  
23 employed by Merrill Lynch;

24 WHEREAS, on December 22, 2005, Plaintiff's counsel met and conferred with  
25 Defendants' counsel about inspecting said hard drive and Defendants' counsel told Plaintiff's  
26 counsel that she would have to confer with her client;

27 WHEREAS, on December 23, 2005, counsel for Defendants confirmed in writing  
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1 to Plaintiff's counsel that Defendants are in possession of said hard drive;

2 WHEREAS, on December 28, 2005, Plaintiff, propounded upon Defendants a  
3 request for said hard drive;

4 WHEREAS, on December 30, 2005 Defendants produced electronic discovery  
5 containing a document entitled "Maldonado Internet Parser Report by Gerry Webber";

6 WHEREAS, Plaintiff intends to designate an expert witness on the subject of the  
7 contents of said hard drive and is required to produce a report pursuant to Rule 26;

8 WHEREAS, on January 5, 2006, during a meet and confer telephone conference  
9 between counsel for the parties, Plaintiffs' counsel asserted that the hard drive should have been  
10 produced in response to prior discovery requests; in response, defendants' counsel stated that they  
11 required time to consider this and would respond by January 9, 2006;

12 WHEREAS, Plaintiffs' counsel discussed the need for Plaintiff's computer expert  
13 to have access to the hard drive in order to prepare the required report per Rule 26;

14 WHEREAS, the parties have met and conferred on the continuance of the deadline  
15 to disclose expert witnesses and all associated deadlines and stipulate to the entry of an order to  
16 the following effect through their counsel of record:

17 THE PARTIES HEREBY respectfully submit this stipulated request that (1) the  
18 parties will designate expert witnesses no later than January 27, 2006, or the next available date  
19 thereafter convenient to the court; (2) expert rebuttals will be filed no later than February 17,  
20 2006, or the next available date thereafter convenient to the court; and (3) the parties will  
21 conclude expert discovery on April 3, 2006, or the next available date thereafter convenient to the  
22 court.

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DATED: January 6, 2006

DATED: January 6, 2006

Respectfully submitted,

SUNDEEN SALINAS & PYLE  
ROBERT SALINAS  
PAMELA KONG

By:   
ROBERT SALINAS

Attorneys for Plaintiff  
HECTOR MALDONADO

MUNGER, TOLLES & OLSON LLP  
TERRY E. SANCHEZ  
AILSA W. CHIANG

By:   
TERRY E. SANCHEZ

Attorneys for Defendants  
MERRILL LYNCH, PIERCE, FENNER &  
SMITH INCORPORATED

**ORDER OF THE COURT**

IT IS HEREBY ORDERED that:

(1) The parties will designate experts no later than January 27, 2006.

(2) Expert rebuttals will be filed no later than February 17, 2006.

(3) The parties will conclude expert discovery on April 3, 2006.

Dated: January 9, 2006

  
The Honorable Maxine M. Chesney